

REMARKS

The Office Action of May 7, 2008, has been carefully considered.

The claims of record have now been canceled and replaced by a new set of Claims 16-30. The new claims are method claims, which are written generally in the same format as the claims which were issued in parent application Serial No. 07/978,671, now U.S. Patent No. 6,624,198. These new claims are directed to a method for providing for safe sexual relations and reducing HIV transmission facilitated by spermicide-induced vaginal ulcers, comprising the use of a lubricant composition, this composition being substantially the composition of original Claim 1.

As is discussed in the present specification, the invention is directed to a solution to a problem which was discovered by Applicant. In particular, it has been known since the 1980's that despite the effectiveness of spermicidal antiseptics against the HIV virus, the use of such antiseptics does not in fact reduce the transmission of the virus. Applicant discovered the reason for this effect, specifically the destruction of natural flora in the vagina induced by the use of spermicidal antiseptics. The destruction of the natural flora results in fungal infections, and ulcers caused thereby, the ulcers promoting the spread of viral infection.

In order to reduce the incidents of fungal infections, Applicant has proposed adding to a lubricant composition containing a spermicidal antiseptic, an amount of a fungicide effective to prevent fungal infections.

The claims of record stand rejected over Cooper et al in view of Chantler et al. While Cooper et al does disclose the use of parabens in combination with spermicides, the parabens are added solely for the purpose of preventing fungal growth in the compositions in storage. There is no disclosure or

suggestion of using the parabens to prevent fungal infections *in vivo* and no suggestions that at the level present, the parabens will actually prevent such infections. Indeed, there is no reason for Cooper et al to teach prevention of fungal infections *in vivo*, because it is only Applicant who has taught that the use of spermicides results in fungal infections, and only Applicant who has further taught that the presence of fungicides such as parabens can prevent such fungal infections, and serve thereby the useful purpose of preventing HIV infections.

Chantler et al discloses the use of chlorhexidine compounds as spermicides, but does not otherwise cure the defects of the Cooper et al reference.

Withdrawal of the rejection of record is requested.

In view of the foregoing amendments and remarks, Applicant submits that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



Ira J. Schultz  
Registration No. 28666  
Attorney for Applicant  
(703) 837-9600, ext. 23